Legal & Policy Advisory Group

July Meeting

July 16, 2013

Agenda

Project Update

Phase 2 Technical Design Under Consideration

Next Steps

Phase 1 – Transaction and deployment update (as of June 2013)

Transaction update:

- Transactions exchanged in June: 106,331
- Cumulative transactions to date: 1,255,903

Deployment update:

- <u>Organizations in Production:</u>   3
    - Beth Israel Deaconess Medical Center
    - Network Health
    - Massachusetts eHealth Collaborative
- <u>Organizations live (successful transaction):</u>   4
    - Holyoke Medical Center/Holyoke HIE
    - Tufts Medical Center
    - Beaumont Medical
    - Dr. Gregory Harris
- <u>Organizations in implementation stage:</u>   11
- <u>Organization in on-boarding stage:</u>   7
- <u>Organizations in pipeline:</u>   79

Phase 2 overall timeline

Mass HIway Phase 2 high level project schedule

Activity	Target date
Submit IAPD to CMS	**Completed**
CMS approval of Phase 2 IAPD	**Completed**
Phase 2 contract (or change order) executed	~~June 2013~~ **Completed**
Go-live - Public Health - Immunization Registry Node	**Completed**
Go-live - Public Health - Reportable Lab Results (ELR) Node	**Completed**
Testing - Public Health - Syndromic Surveillance Node	**Completed**
Testing - EOHHS – Children's Behavioral Health (CBHI) Node	~~June 14, 2013~~ **Completed**
Go-live for Phase 2, Release 1 (Other Public Health interfaces)	May – Oct 2013
Phase 2 Requirements Gathering & Validation	July 26, 2013
Phase 2 Design Approach Decision	August 2, 2013
Go-live for Phase 2, Release 2 (EMPI, RLS, Consent, Provider Portal, Consumer Portal)	Oct 2013 – Mar 2014

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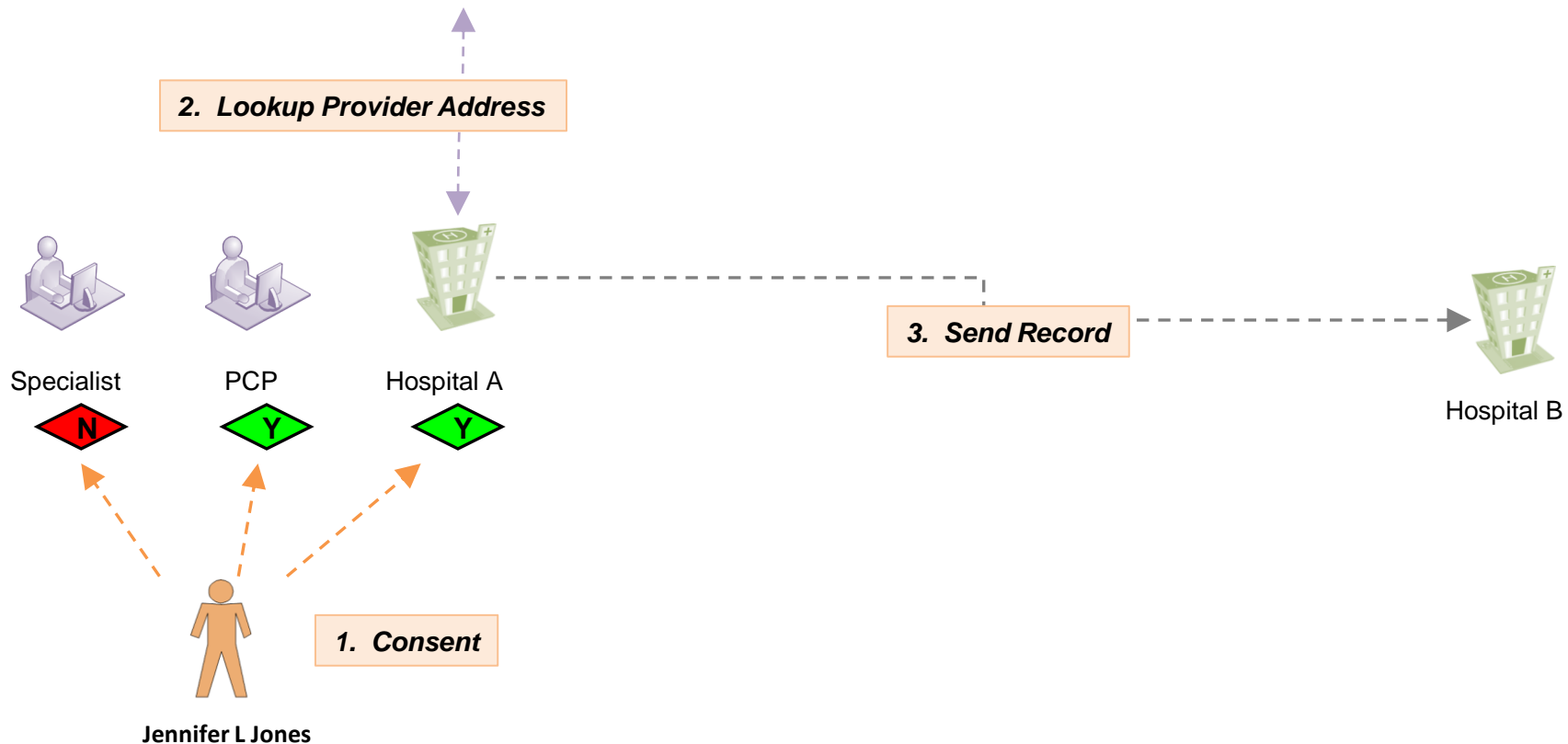# Legal-Policy Issue Framework

1. **Technical and Policy Controls governing Phase 2 Functions**

2. **RLS**

    1. Patient-matching

    2. Uses of RLS information

3. **Consent (standardization, content, format, scope)**

Phase 1 Services Today: User-to-User Push

Provider Directory

Provider name	Local name	Institution	Direct address	Certificate
Smith, Marilyn M	Smith, Marilyn	Hospital B	Marilyn.Smith@HospB.masshighway.net	58&HTU
Smith, Marilyn M	Smith, Mary	Highland Primary Care	Marilyn.Smith@HPC.masshighway.net	93T$@N

2. Lookup Provider Address

3. Send Record

Specialist **N** PCP **Y** Hospital A **Y**

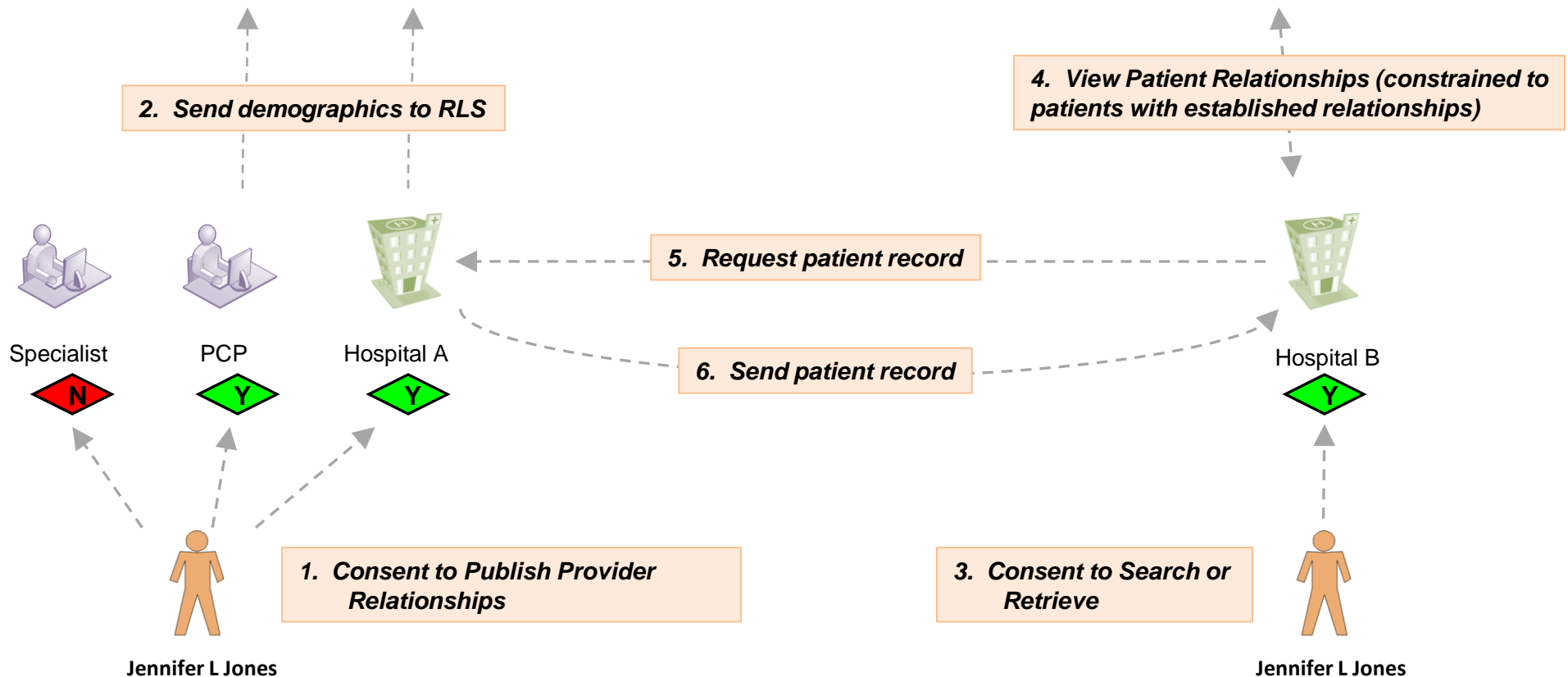Hospital B

1. Consent

Jennifer L Jones

Data requestor requests patient record – Data holder responds

Relationship Listing Service (RLS)

Patient name	Local name	Institution	MRN	Last event date	# events
Jones, Jennifer L	Jones, Jennifer	Hospital A	1234	Dec 3, 2012	3
Jones, Jennifer L	Jones, Jenny	PCP	5678	Jul 8, 2010	12

2. **Send demographics to RLS**

4. **View Patient Relationships (constrained to patients with established relationships)**

5. **Request patient record**

6. **Send patient record**

Specialist — N

PCP — Y

Hospital A — Y

Hospital B — Y

1. **Consent to Publish Provider Relationships**

3. **Consent to Search or Retrieve**

Jennifer L Jones

Jennifer L Jones

Policy and Technical Controls in Today's World

Disclosure	How it works today	Technical Control	Policy Control

Providing a patient's medical record to an authorized entity	• Automated within established trust relationships (e.g., "magic buttons", CHAPS, SafeHealth, etc)
	
	 • Manual where trust relationship does not exist
	
	   - Patient-authorized push (e.g., patient identifies PCP at registration)
	
	   - Patient-authorized pull -- requestor communicates patient authorization for data holder to validate
		• Where automated, entity authentication is usual focus -- authorization usually determined as part of trust relationship
		
		 • Where manual, no technical controls possible
			• Where automated, policy controls on authorization and access fill in gaps left by technology
			
			 • Where manual, information sharing enforced only through policy controls

Policy and Technical Controls with MA HIway

	Disclosure	How it would work on HIway	Technical Control	Policy Control
Phase 1	Providing a patient's medical record to an authorized entity	• Information provided by data-holding entity based on authorization represented by requestor, AND/OR permission given to data-holding entity	• Authentication controls	• Consent gathered by data-holding entity • Variation allowed but should name MA HIway • Audit
Phase 2	Publishing patient/entity relationship to Relationship Listing Service (RLS)	• Information published based on permission given to data-holding entity	• Consent flag in ADT message	• Consent gathered by data-holding entity (standards tbd)
	Viewing patient/entity relationships on RLS	• Information viewing based on permission given to requesting entity	• Viewing restricted to only entities who have recorded relationship with patient • Audit/disclosure logs	• Participation agreements regarding appropriate uses of information
	Requesting a patient's medical record Providing a patient's medical record to an authorized entity	• Information provided by data-holding entity based on authorization represented by requestor, AND/OR permission given to data-holding entity	• Authentication controls • Data-holding entity determination of whether satisfactory level of assurance has been met in request • Consent flag in ADT message • Trust based on entity authentication	• Consent gathered by data-requesting entity (standards tbd) • Data-holding entity validates authorization to provide information and responds accordingly

Questions to the Advisory Group

Are there additional policy or technical controls that have been overlooked?

Is the balance of policy and technical controls about right?

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- Key points and recommendations synthesized and provided back to Advisory Group for final comments

- Presentation materials and notes to be posted to EOHHS website

- Next Advisory Group Meeting – August 20, 2:30-4:00
  - Conference call – (866) 951-1151 x. 8234356

- HIT Council – Aug 5, 2013, 3:30-5:00 One Ashburton Place, 21st Floor

HIT Council meeting schedule, presentations, and minutes may be found at
http://www.mass.gov/eohhs/gov/commissions-and-initiatives/masshiway/hit-council-meetings.html